

# NOTICE OF FINAL RULEMAKING

## TITLE 7. EDUCATION

### CHAPTER 2. STATE BOARD OF EDUCATION

#### PREAMBLE

<u>1. Sections Affected</u>	<u>Rulemaking Action</u>
R7-2-407	New Section
R7-2-610	Amend
R7-2-620	New Section

2. The specific authority for rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 15-203(A), 20 U.S.C. § 1412(a)(6)(A), 34CFR 300.129

Implementing statutes: A.R.S. §§ 15-203(A)(14), (19), and (22), and § 15-214

3. Effective Date of the Rule:

Consistent with A.R.S. § 41-1032, these rules become effective sixty days after certification by the Attorney General and filing with the Secretary of State.

4. Register citation and date for the original Notice of Proposed Rulemaking:

Notice of Rulemaking Docket Opening: 9 A.A.R., 3351, July 25, 2003

Notice of Proposed Rulemaking: 9 A.A.R., 4056, September 19, 2003

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

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6. An explanation of the rules, including the agency's reasons for initiating the rules:

This rules package addresses several issues related to exceptional students in order to improve services for these students as authorized or required by state or federal laws. The explanations below are detailed in respective order with the numerical order of the rules.

In January 2002, Exceptional Student Services (ESS) and the Arizona Special Education Advisory Panel (SEAP) began a yearlong study of the *Arizona Administrative Code* including R7-2-405. This study was prompted in part by deficiencies noted in the U.S. Department of Education, Office of Special Education Programs (OSEP) review of the Arizona documentation for eligibility for funding under the Individuals with Disabilities Education Act. Arizona was cited by USDOE/OSEP for failure to complete due process hearings and appeals within the required timelines. The recommended changes to R7-2-405 move the state from its current two-tier system of due process hearings to a one-tier system using Administrative Law Judges (ALJs) as the single tier. The two-tier system was a substantial contributor to the problems cited by USDOE/ OSEP. An ad hoc due process work group studied other state systems to determine the benefits and drawbacks of each approach. The final recommendation of the workgroup was to move to the one-tier system using ALJs.

In 1997 the Arizona Legislature required the State Board of Education to adopt rules to promote Braille literacy with specific requirements outlined in A.R.S. § 15-214. The proposed R7-2-407 establishes standards and assistance requirements for providing educational services and materials for visually impaired students as required by A.R.S. § 15-214.

The proposed amendments to R7-2-610 are also sought to comply with the statutory requirements of A.R.S. § 15-214 to assure that teachers certified in the education of blind and visually impaired pupils demonstrate competency in Braille.

The addition of R7-2-620 is proposed in response to requests from the hearing impaired community for standards for educational interpreters. These requests were referred to a Certification Advisory Committee established by the State Board of Education in 2000 and a recommendation to provide certification for educational interpreters was forwarded to the Board. The State Board of Education's authority to certify educational personnel, however, is limited to that specifically authorized by A.R.S. § 15-203(A)(14). The Board does however have the authority to supervise and control the qualifications of non-teaching school personnel and prescribe standards relating to qualifications under A.R.S. § 15-203(A)(19). The proposed R7-2-620 was developed with input and support from the Arizona School for the Deaf and the Blind, the Arizona Department of Education Exceptional Student Services Division, special education teachers and the Special Education Advisory Panel to the State Board of Education in order to provide quality interpreting services for hearing impaired students through the implementation of required qualifications for educational interpreters.

**7. A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rules or proposes not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

Not applicable

**8. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

The proposed rules will not diminish any previous grant of authority of a political subdivision of this state.

**9. The summary of the economic, small business, and consumer impact:**

The rules as proposed are not expected to have significant, if any, economic impact, however they are expected to have several positive effects for exceptional students, the families of exceptional students and the schools and programs providing services for these students. Moving to a single-tiered process for administrative hearings regarding special education issues provides several positive impacts including a savings of both cost and time on behalf of both the families of exceptional students and the schools providing services to these students. These rules are expected to improve the qualifications of individuals providing assistance to visually impaired students and hearing impaired students by establishing qualifications for Braille literacy for teachers of the visually impaired and qualifications for educational interpreters for hearing impaired students. In addition, these rules will improve the access of textbooks in alternative formats for visually impaired students.

**10. A description of the changes between the proposed rules, including any supplemental notices, and final rules:**

A definition of a "504 Accommodation Plan" has been added.

A reference to the definition of "Public Education Agency (PEA)" has been included to use the same definition as that in R7-2-401.

R7-2-407(E)(3) included a reference to the "AIRC" which is currently the central repository designated by the Arizona Department of Education for publishers to provide materials in accessible electronic files. This entity was used as a placeholder early on in initial rule draft documents, however, in the Notice of Proposed Rulemaking all changes to "AIRC" were changed to "the central repository designated by the ADE". As an oversight, however, this section was not changed and so in order to conform with the rest of the section the change has been incorporated into this Notice of Final Rulemaking.

R7-2-610, subsection K(2)(e)(iv) has been revised to remove the required number of administrations of the exam to be administered by the University of Arizona annually.

Technical and grammatical changes were incorporated.

**11. A summary of the principal comments and the agency response to them:**

*(Public Comment):* Several individuals expressed concern that the educational requirements established for educational interpreters in R7-2-620 are not high enough. It was recommended that either an Associates Degree or a Bachelor's Degree be adopted.

*(Agency Response):* This rules package will provide the first guidance for minimum qualifications for educational interpreters, and we are still in the process of gathering data regarding current vacancies for these positions and qualifications

of existing personnel. While the above recommendation may be appropriate to consider at a later date, these initial qualifications should establish a realistic baseline and not enhance the current shortage of professionals providing educational interpreter services. An on-going dialogue with the field should be established to continually evaluate the standards and discuss modifications.

**12. Any other matters prescribed by statutes that are applicable to the specific agency or to any specific rule or class of rules:**

No

**13. Incorporations by reference and their location in the rules:**

None

**14. Was this rule previously adopted as an emergency rule?:**

No

**15. The full text of the rules follows:**

## TITLE 7. EDUCATION

### CHAPTER 2. STATE BOARD OF EDUCATION

#### ARTICLE 4. SPECIAL EDUCATION

Section

R7-2-407. ~~Reserved~~ Special Education Standards and Assistance for Providing Educational Services and Materials for Visually Impaired Students

#### ARTICLE 6. CERTIFICATION

Section

R7-2-610. Special Education Teaching Certificates

R7-2-620. Qualification Requirements of Professional, Non-Teaching School Personnel

**R7-2-407.** ~~Reserved~~ Special Education Standards and Assistance for Providing Educational Services and Materials for Visually Impaired Students

**A.** All requirements in this Section are in addition to the general special education standards in R7-2-401 for public education agencies providing special education.

**B.** For the purposes of this rule, the following definitions apply:

1. "Accessible Electronic File" means, until the effective date of a nationally adopted file format, a digital file in a mutually agreed upon electronic file format that has been prepared using a markup language that maintains the structural integrity of the information and can be processed by Braille conversion software. Upon the effective date of a nationally adopted file format, such as the Instructional Materials Accessibility Standard (IMAS), "Accessible Electronic File" shall mean an electronic file conforming to the specifications of the nationally adopted file format, including future technical revisions and versions of this nationally adopted file format.
2. "Individualized Braille literacy assessment" means the Learning Media Assessment or other standardized or individualized assessments that pertain to the child's reading medium.
3. "Non-printed instructional materials" means non-printed textbooks and related core materials, including those that require the availability of electronic equipment in order to be used as a learning resource, that are written and published primarily for use in elementary school and secondary school instruction and are required by a state educational agency or a local educational agency for use by pupils in the classroom. These materials shall be available to the extent technologically available, and may include software programs, CD-ROMs and internet-based materials.
4. "Printed instructional materials" means textbooks and related printed core materials, that are written and published primarily for use in elementary school and secondary school instruction and are required by a state educational agency or a local educational agency for use by pupils in the classroom. This may include workbooks, practice tests and tests.
5. "Publisher" means an individual, firm, partnership or corporation that publishes or manufactures printed instructional materials for students attending public schools in Arizona, including an on-line service, a software developer, or a distributor of an electronic textbook.
6. "Specialized format" means Braille, audio or digital text which is exclusively for use by blind or other persons with disabilities.
7. "Structural integrity" means the structure of all parts of the printed instructional material will be kept intact to the extent feasible and as mutually agreed upon by the publisher and the local educational agency. This may include appropriate representation of graphic illustrations.

**C.** Upon determination of a student having a visual impairment as assessed by a full and initial evaluation defined in R7-2-401(E)(6)(i), a visually impaired student who is determined to be blind as defined by A.R.S. § 15-214(B) shall receive an individualized Braille literacy assessment.

**D.** Individualized Education Programs (IEP) for Blind students. In addition to the requirements for establishing and implementing an IEP consistent with R7-2-401(F) for a student determined to have a disability, each IEP for a student determined to be "blind" as assessed by R7-2-401(E)(6)(i) and defined by A.R.S. § 15-214(B), shall presume that proficiency in Braille is essential in achieving academic success unless otherwise determined by the IEP team established consistent with the regulations for the most recent reauthorization of the Individuals with Disabilities Education Act (IDEA) and in the manner provided by the most recent reauthorization of the IDEA Act for developing an IEP. An IEP developed under this Section for a student determined to be blind shall include all required provisions of A.R.S. § 15-214(A)(3), including the following:

1. The results of the individualized Braille literacy assessment.
  2. The date on which Braille instruction will begin, the methods to be used and the frequency and duration of the Braille instruction.
  3. The level of competency expected to be achieved within specified time-frames and the objective measures to be used for evaluation.
  4. The Braille materials and equipment necessary to achieve the stated expected competency gains, including ordering instructional materials to achieve the I.E.P.-stated goals.
  5. The rationale for not providing Braille instruction if Braille is not determined to be an appropriate medium by the IEP team and is not included in the IEP.
- E.** The Arizona Department of Education shall designate a central repository for publishers to, upon request, provide accessible electronic files for instructional materials used by public schools in Arizona as defined in subsection (B)(1). The central repository shall be responsible for maintaining a complete list of available accessible electronic files for instructional materials and instructional materials in specialized formats, processing requests from PEAs for instructional materials in specialized formats and providing access to these materials in specialized formats to schools throughout Arizona that are providing services to blind or other students with disabilities.
1. Upon receipt of a written request certifying to the requirements set forth in subsections (a) through (c) publishers shall deliver to the repository, at no additional cost and consistent with the time-frame for providing materials for students without disabilities, accessible electronic files for printed instructional materials and non-printed instructional materials. Certification shall include all of the following:
    - a. The PEA purchased a copy of the printed instructional material or non-printed instructional material for use by a student who is blind or has a visual impairment in a course which the student is attending or registered to attend;
    - b. The student who will utilize the instructional materials in a specialized format has an IEP stating that such materials and/or equipment are necessary for the student to achieve stated expected competency gains; and
    - c. The instructional materials are for use by the student in connection with a course in which he/she is enrolled, as verified by the person overseeing the education of students who are blind or visually impaired.
  2. A PEA may access the materials maintained by the central repository, upon written request, for instructional use with a student with a visual impairment, as identified by R7-2-401(E)(6)(i), who requires the use of instructional materials in a specialized format pursuant to the student's IEP.
  3. Nothing in this Section shall be construed to prohibit the central repository from assisting a student with a disability by using the electronic format version of instructional material provided pursuant to this Section solely to transcribe or arrange for the transcription of the printed instructional material into Braille or large print. In the event a Braille transcription is made, the central repository has the right to share the Braille copy of the printed instructional material with other eligible students with disabilities. The PEA will be required to return the specialized format version of the instructional material to the central repository when the student no longer needs the instructional material. The central repository may share the copies of the specialized format of the instructional material with other PEAs who have met the requirements of subsections (B) and (D) of this Section to provide services to students who require such services pursuant to R7-2-401(F)(5).

## **ARTICLE 6. CERTIFICATION**

### **R7-2-610. Special Education Teaching Certificates**

- A.** Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-617.
- B.** Terms used in this Section are defined in A.R.S. § 15-761.
- C.** Provisional Cross-Categorical Special Education Certificate -- grades K-12
  1. The certificate is valid for two years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
  2. The holder is qualified to teach students with mild to moderate mental retardation, emotional disability, specific learning disability, orthopedic impairments and other health impairments.
  3. The requirements are:
    - a. A Bachelor's degree;
    - b. One of the following:
      - i. Completion of a teacher preparation program in special education from an accredited institution, which included courses in mental retardation, emotional disability, specific learning disability, orthopedic impairments and other health impairments; or
      - ii. Forty-five semester hours of education courses which teach the standards described in R7-2-602, including 21 semester hours of special education courses and eight semester hours of practicum with students repre-

senting at least three of the five disability areas. Special education courses shall include survey of exceptional students; teaching methodologies and strategies for students with disabilities; foundations course in mild to moderate mental retardation, learning disability, emotional disabilities, and physical/health impairment; and diagnosis and assessment of mild disabilities. Two years of verified teaching experience in special education in grades K-12 may substitute for the eight semester hours of practicum; or

iii. A valid cross-categorical special education certificate from another state.

c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;

d. A passing score on the cross-categorical special education portion of the Arizona Teacher Proficiency Assessment; and

e. A valid Class 1 or Class 2 fingerprint clearance card.

**D. Standard Cross-Categorical Special Education Certificate -- grades K-12**

1. The certificate is valid for six years.

2. The holder is qualified to teach students with mild to moderate mental retardation, emotional disability, specific learning disability, orthopedic impairments and other health impairments.

3. The requirements are:

a. Qualification for the provisional cross-categorical Special Education certificate;

b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; and

c. A valid Class 1 or Class 2 fingerprint clearance card.

**E. Provisional Specialized Special Education Certificate -- grades K-12**

1. The certificate is valid for two years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).

2. The holder is qualified to teach students with mental retardation, emotional disability, specific learning disability, orthopedic impairments or other health impairments, as specified on the certificate.

3. The requirements are:

a. A Bachelor's degree;

b. One of the following:

i. Completion of a teacher preparation program in the specified area of special education from an accredited institution; or

ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses and eight semester hours of practicum in the designated area of disability. Special education courses shall include survey of exceptional students; teaching methodologies for students with disabilities; foundations of instruction in the designated area of disability; and diagnosis and assessment of disabilities. Two years of verified teaching experience in the area of disability in grades K-12 may be substituted for the eight semester hours of practicum; or

iii. A valid special education certificate in the specified area from another state.

c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;

d. A passing score on the specified disability special education portion of the Arizona Teacher Proficiency Assessment; and

e. A valid Class 1 or Class 2 fingerprint clearance card.

**F. Standard Specialized Special Education Certificate -- grades K-12**

1. The certificate is valid for six years.

2. The holder is qualified to teach students with mental retardation, emotional disability, specific learning disability, orthopedic impairments or other health impairments, as specified on the certificate.

3. The requirements are:

a. Qualification for the provisional Special Education certificate;

b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; and

c. A valid Class 1 or Class 2 fingerprint clearance card.

**G. Provisional Severely and Profoundly Disabled Certificate -- grades K-12**

1. The certificate is valid for two years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).

2. The requirements are:

a. A Bachelor's degree;

b. One of the following:

i. Completion of a teacher preparation program in severely and profoundly disabled education from an accredited institution; or

ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses and eight semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students

with severe and profound disabilities, foundations of instruction of students with severe and profound disabilities, and diagnostic and assessment procedures for students with severe and profound disabilities. Two years of verified teaching experience with students in grades Prekindergarten-12 who are severely and profoundly disabled may be substituted for the eight semester hours of practicum; or

iii. A valid Severely and Profoundly Disabled certificate from another state.

- c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
- d. A passing score on the severely and profoundly disabled special education portion of the Arizona Teacher Proficiency Assessment; and
- e. A valid Class 1 or Class 2 fingerprint card.

**H. Standard Severely and Profoundly Disabled Certificate -- grades K-12**

- 1. The certificate is valid for six years.
- 2. The requirements are:
  - a. Qualification for the provisional severely and profoundly disabled certificate;
  - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; and
  - c. A valid Class 1 or Class 2 fingerprint clearance card.

**I. Provisional Hearing Impaired Certificate -- grades K-12**

- 1. The certificate is valid for two years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
- 2. The requirements are:
  - a. A Bachelor's degree;
  - b. One of the following:
    - i. Completion of a teacher preparation program in hearing impaired education from an accredited institution; or
    - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses for the hearing impaired and eight semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with hearing impairment, foundations of instruction of students with hearing impairment, and diagnostic and assessment procedures for the hearing impaired. Two years of verified teaching experience in the area of hearing impaired in grades Prekindergarten-12 may be substituted for the eight semester hours of practicum; or
    - iii. A valid hearing impaired certificate from another state.
  - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
  - d. A passing score on the hearing impaired special education portion of the Arizona Teacher Proficiency Assessment; and
  - e. A valid Class 1 or Class 2 fingerprint clearance card.

**J. Standard Hearing Impaired Certificate -- grades K-12**

- 1. The certificate is valid for six years.
- 2. The requirements are:
  - a. Qualification for the provisional hearing impaired certificate;
  - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; and
  - c. A valid Class 1 or Class 2 fingerprint clearance card.

**K. Provisional Visually Impaired Certificate -- grades K-12**

- 1. The certificate is valid for two years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
- 2. The requirements are:
  - a. A Bachelor's degree;
  - b. One of the following:
    - i. Completion of a teacher preparation program in visual impairment from an accredited institution; or
    - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses for the visually impaired and eight semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with visual impairment, foundations of instruction of students with visual impairment, and diagnostic and assessment procedures for the visually impaired. Two years of verified teaching experience in the area of visually impaired in grades Prekindergarten-12 may be substituted for the eight semester hours of practicum; or
    - iii. A valid visually impaired special education certificate from another state.
  - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;

- d. A passing score on the visually impaired special education portion of the Arizona Teacher Proficiency Assessment; and
  - e. Demonstration of competency in Braille through one of the following:
    - i. A passing score on the original version of the National Library of Congress certification exam; or
    - ii. A valid certificate for a literary Braille transcriber issued by the National Library of Congress; or
    - iii. A passing score on a Braille exam administered by another state; or
    - iv. A passing score on the Braille exam developed and administered by the University of Arizona. Individuals who take this test and are not students at the University of Arizona may be assessed a fee.
  - f. A valid Class 1 or Class 2 fingerprint clearance card.
- L. Standard Visually Impaired Certificate -- grades K-12**
- 1. The certificate is valid for six years.
  - 2. The requirements are:
    - a. Qualifications for the provisional visually impaired certificate;
    - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; and
    - c. A valid Class 1 or Class 2 fingerprint clearance card.
- M. Provisional Speech and Language Impaired Certificate -- grades K-12**
- 1. This certificate is valid for two years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
  - 2. The requirements are:
    - a. A Bachelor's degree;
    - b. One of the following:
      - i. Completion of a teacher preparation program in speech and language special education from an accredited institution; or
      - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 30 semester hours of special education courses for the speech impaired. Special education courses shall include survey of exceptional students, teaching methodologies for students with speech impairment, foundations of instruction of students with speech impairment, diagnostic and assessment procedures for the speech impaired, and a minimum of 200-clock hours of supervised clinical practice in providing speech and language impairment services. All clinical practice clock hours shall be supervised by an American Speech and Language Association-certified pathologist or by a state-certified speech and language therapist; or
      - iii. A valid Speech and Language Impaired special education certificate from another state.
    - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
    - d. A passing score on the speech and language impaired special education portion of the Arizona Teacher Proficiency Assessment; and
    - e. A valid Class 1 or Class 2 fingerprint clearance card.
- N. Standard Speech and Language Impaired Certificate -- grades K-12**
- 1. The certificate is valid for six years.
  - 2. The requirements are:
    - a. Qualification for the provisional speech and language impaired certificate;
    - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; and
    - c. A valid Class 1 or Class 2 fingerprint clearance card.
- O. Provisional Early Childhood Special Education Certificate -- Birth to five years**
- 1. The certificate is valid for two years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
  - 2. The requirements are:
    - a. A Bachelor's degree;
    - b. One of the following:
      - i. Completion of a teacher preparation program in early childhood special education from an accredited institution; or
      - ii. Forty-five semester hours of education courses which teach the standards described in R7-2-602, including child development and learning, language development, social and emotional development, curriculum development and implementation, and assessment and evaluation, early childhood special education, and eight semester hours of practicum in early childhood special education. Two years of verified teaching experience in the area of early childhood special education may be substituted for the eight semester hours of practicum; or
      - iii. A valid early childhood special education certificate from another state.
    - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;



- d. A passing score on the early childhood special education portion of the Arizona Teacher Proficiency Assessment; and
  - e. A valid Class 1 or Class 2 fingerprint clearance card.
- P.** Standard Early Childhood Special Education Certificate -- Birth to five years
- 1. The certificate is valid for six years.
  - 2. Requirements are:
    - a. Qualify for the provisional early childhood Special Education certificate;
    - b. Passing score on the performance portion of the Arizona Teacher Proficiency Assessment; and
    - c. A valid Class 1 or Class 2 fingerprint clearance card.

R7-2-620. Qualification Requirements of Professional, Non-Teaching School Personnel

**A.** Definitions:

- 1. "Educational Interpreter." For the purposes of this Section, "educational interpreter" means a person trained to translate in sign language for students identified to require such services through an Individualized Education Program (IEP) or a 504 accommodation plan in order to access academic instruction. This does not in any way restrict the provisions of R7-2-401(B)(14) which defines "interpreter" and provides that each student's IEP team determines the level of interpreter skill necessary for the provision of FAPE, nor does it restrict a school district's ability to develop a job description for someone in a position of "educational interpreter" that requires additional job responsibilities.
- 2. "Accommodation plan developed to comply with Section 504 of the Rehabilitation Act of 1973, 29 USC 794, et.seq. ("504 accommodation plan") ". For the purposes of this Section, "504 accommodation plan" means a plan developed for the purpose of specifying accommodations and/or services that will be implemented by classroom teachers and other school personnel so that students will benefit from their educational program.

**B.** Educational Interpreters for the Hearing Impaired

- 1. Persons employed by or contracting with schools and school districts to provide educational interpreting services for hearing impaired students must meet the following qualifications from and after January 1, 2005:
  - a. Have a high school diploma or GED;
  - b. Hold a valid fingerprint clearance card, and
  - c. Show proficiency in interpreting skills through one of the following:
    - i. A minimum passing score of 3.5 or higher on the Educational Interpreter Performance Assessment (EIPA), or
    - ii. Hold a valid Certificate of Interpretation (CI) and/or Certificate of Transliteration (CT) from the Registry of Interpreters for the Deaf (RID), or
    - iii. Hold a valid certificate from the National Association of the Deaf (NAD) at level 3 or higher.
- 2. If a public education agency (PEA) is unable to find an individual meeting the above qualifications, the PEA may hire an individual with lesser qualifications, but the PEA is required to provide a professional development plan for the individual they employ to provide educational interpreting services. This professional development plan must include the following:
  - a. Proof of at least twenty-four hours of training in interpreting each year that a valid certification is not held or EIPA passing score is not attained, and
  - b. Documentation of a plan for the individual to meet the required qualifications within three years of employment. If the qualifications are not attained within three years, but progress toward attainment is demonstrated, the plan shall be modified to include an intensive program for up to one year to meet the provisions of subsection (B)(1).
- 3. An individual employed under the provisions of subsection (2) of this rule must also have the following:
  - a. A valid fingerprint clearance card, and
  - b. A high school diploma or GED.

**C.** Compliance with these rules will be reviewed at the same time as a PEA is monitored for compliance with the requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400, et. seq.